IN THE HIGH COURT OF JUDICATURE AT BOBBY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 5140 OF 2004

IN

S.S.NO.71/04 & 569/04 IN c.r.No.101/04

Shri Sanny Prakash Kasar alias Salim @ Sanny Hajji Jan ..Applicant.

V/s.

The State of Maharashtra .. Respondent.
R.A.K.Marg, DCB CID Unit,
Mumbai.

Ms. Leela D. Malu for Applicant.
Shri K.V. Saste, APP for Respondent.

CORAM : A.M.KHANWILKAR, J.
DATED : NOVEMBER 25, 2004

PC :-

. Heard the learned counsel for the parties. Perused the record.

2. According to the Applicant his name is Shani Prakash Kasar and not Sanny @ Salim hajji jan Mohammed Khan @ Kapadia. It is not necessary to go into this controversy, assuming that the prosecution is justified in relying on the statement of the mother of the Applicant. The fact remains that in so far as the involvement of the Applicant in the commission of the

alleged offence, the only material pressed into service on behalf of the prosecution is the statement under section 164, of the driver of the car. However, it is fairly conceded by the learned APP that no identification parade has been held. Since there is no independent material to support the prosecution case of involvement of the appilcant, the applicant deserves to be enlarged on bail on the following conditions :-

(a) The Applicant is enlarged on bail in connection with C.R.No. 101/2004, registered with D.C.B., C.I.D. Unit-4, Mumbai on executing personal bond in the sum of Rs. 50,000/- (Rs. Fifty thousand only) with two local sureties in the like amount.

(b) The applicant be released on provisional cash bail immediately and the formality of executing bond and furnishing local sureties be done within a week thereafter.

(c) The Applicant shall regularly report to the investigation officer once in a fortnight on Saturday between 10 a.m. to 1 p.m.

(d) The Applicant shall extend full co-operation for early disposal of the trial. If the trial court is of the opinion that he is responsible for delay in trial that fact be recorded in the Rozanama, which can be a ground for cancellation of bail.

(e) The Applicant shall not leave jurisdiction of DCB, CID Unit -4, Mumbai without prior intimation to the investigating officer as well as to the trial court.

(f) He shall not influence the prosecution witness or tamper with the prosecution evidence in any manner whatsoever.

. Ordered accordingly.

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